

Message Text

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ACTION ACDA-10

INFO OCT-01 ARA-06 EUR-12 IO-13 ISO-00 CIAE-00 INR-07 L-03
NSAE-00 NSC-05 EB-08 NRC-05 OES-06 FEAE-00 DODE-00
ERDA-05 COME-00 USIE-00 H-01 OIC-02 OMB-01 PA-01
PM-04 PRS-01 SAJ-01 SP-02 SS-15 TRSE-00 INRE-00
ACDE-00 SSO-00 NSCE-00 /109 W
-----251923Z 040930 /53

O R 251816Z JAN 77
FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC IMMEDIATE 8720
INFO ERDA HQ WASHDC
ERDA HQ GERMANTOWN
AMEMBASSY BONN IMMEDIATE
AMEMBASSY OTTAWA
AMEMBASSY BRASILIA
USMISSION IAEA VIENNA
USMISSION EC BRUSSELS

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E.O. 11652: N/A
TAGS: TECH, PARM, AR, GW, IAEA
SUBJECT: ARGENTINE NUCLEAR POWER PROGRAM: ATUCHA 1 SAFEGUARDS

REF: BUENOS AIRES 456

ALSO FOR NRC

1. FOLLOWING IS OUR FREE TRANSLATION FROM SPANISH OF SUBSTANTIVE
PORTION OF TEXT OF GERMAN EMBASSY NOTE NO. 344/76 OF SEPTEMBER 7,
1976 ADDRESSED TO FOREIGN MINISTER GUZZETTI. (WE UNDERSTAND
FROM FRG EMBASSY THAT A RETURN NOTE OF AGREEMENT WAS EXCHANGED.)
"I HAVE THE HONOR TO REFER TO THE AGREEMENT FOR THE APPLICATION
OF SAFEGUARDS TO THE INSTALLATIONS OF THE POWER REACTOR AT
ATUCHA CONCLUDED BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY
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AND THE GOVERNMENT OF THE ARGENTINE REPUBLIC ON OCTOBER 3, 1972,
AND TO DECLARE, IN THE NAME OF MY GOVERNMENT, THE FOLLOWING:
"1. WITH REFERENCE TO SECTION 2 OF THE REFERENCED AGREEMENT, MY
GOVERNMENT CONSIDERS THAT THE GOVERNMENT OF THE ARGENTINE
REPUBLIC OBLIGES ITSELF BY THE PRESENT COMMITMENT NOT TO
UTILIZE THE NUCLEAR MATERIALS OR NUCLEAR INSTALLATIONS WHICH
ARE THE OBJECT OF THE AGREEMENT FOR THE PRODUCTION OF NUCLEAR

WEAPONS OR OTHER NUCLEAR EXPLOSIVE DEVICES.

"2. MOREOVER, MY GOVERNMENT UNDERSTANDS THAT THE NUCLEAR MATERIAL MENTIONED IN SECTION 8A), CLAUSE III OF THE AGREEMENT INCLUDES ALL THE SUBSEQUENT GENERATIONS OF SPECIAL FISSIONABLE MATERIAL WHICH ARE PRODUCED.

"3. WITH REFERENCE TO SECTION 26 OF THE AGREEMENT, MY GOVERNMENT UNDERSTANDS THAT THE PRESENT COMMITMENT WILL BE EXTENDED AUTOMATICALLY UNTIL:

"A) THE AGENCY HAS TERMINATED SAFEGUARDS FOR ALL THE NUCLEAR MATERIAL COVERED BY THE AGREEMENT, INCLUDING THE SUBSEQUENT GENERATIONS OF SPECIAL FISSIONABLE MATERIAL WHICH ARE PRODUCED, AND

"B) SAFEGUARDS FOR THE NUCLEAR INSTALLATION AND ANY OTHER INSTALLATION WHICH FIGURES IN THE INVENTORY, HAVE BEEN TERMINATED, IT HAVING

PROHIBITED BY THE AGENCY THAT NOW SAID INSTALLATIONS CANNOT BE UTILIZED FOR INTERESTING NUCLEAR ACTIVITIES FROM THE POINT OF VIEW OF SAFEGUARDS.

CONSEQUENTLY, MY GOVERNMENT UNDERSTANDS THAT THE GOVERNMENT OF THE ARGENTINE REPUBLIC WILL NOT MAKE USE OF THE POSSIBILITY TO TERMINATE SAID AGREEMENT, WHILE THE INSTALLATION WHICH FIGURES IN THE INVENTORY IS UTILIZED FOR NUCLEAR ACTIVITIES."

"4. MY GOVERNMENT RECOGNIZES THE VERY HIGH LEVEL OF PHYSICAL PROTECTION WHICH THE GOVERNMENT OF THE ARGENTINE REPUBLIC HAS ARRANGED WITH RESPECT TO THE ATUCHA NUCLEAR POWER STATION LIMITED OFFICIAL USE

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AND UNDERSTANDS THAT SAID LEVEL WILL NOT BE LESS THAN THAT FORESEEN IN THE ANNEX. (COMMENT: WE HAVE NOT RECEIVED A COPY OF THE ANNEX.)

"5. MY GOVERNMENT LIKewise UNDERSTANDS THAT THE NUCLEAR MATERIAL TO WHICH THE PRESENT COMMITMENT REFERS, WILL BE REPROCESSED, ENRICHED, UTILIZED, SUBSEQUENTLY STORED OR TRANSFERRED ONLY IN INSTALLATIONS WHERE THE AGENCY HAS DETERMINED THAT IT CAN EFFICIENTLY APPLY THE PROVISIONS OF THE PRESENT COMMITMENT, AND ONLY AS MAY BE MUTUALLY AGREED BETWEEN BOTH GOVERNMENTS.

" IN ANY CASE, MY GOVERNMENT WILL NOT UTILIZE AT ANY TIME THE PROVISIONS OF THE PRESENT COMMITMENT WITH THE OBJECTIVE OF SECURING COMMERCIAL ADVANTAGES.

"6. MOREOVER, MY GOVERNMENT UNDERSTANDS THAT THE GOVERNMENT OF THE ARGENTINE REPUBLIC IS IN AGREEMENT WITH NOTIFYING THE AGENCY OF ALL TRANSFERS OF MATERIAL PROVIDED TO ARGENTINA IN VIRTUE OF THE REFERENCED AGREEMENT FOR ITS UTILIZATION

IN THE NUCLEAR INSTALLATION, JUST AS FOR THE NUCLEAR INSTALLATION, WHICH HAS AN INTENTION TO TRANSFER TO A CONSIGNEE WHICH IS NOT UNDER ARGENTINE JURISDICTION. THE NUCLEAR MATERIAL TO WHICH THE PRESENT COMMITMENT REFERS, INCLUDING THE SUBSEQUENT GENERATIONS OF SPECIAL FISSIONABLE MATERIAL WHICH ARE PRODUCED, CAN ONLY BE TRANSFERRED IN CASE THE RECEIVING COUNTRY HAS ADOPTED THE SAME SECURITY MEASURES WHICH WERE AGREED TO THROUGH THE PRESENT COMMITMENT FOR THE ORIGINAL TRANSFER.

"7. LASTLY, MY GOVERNMENT DECLARES THAT, UNDER THE CONDITIONS CONTEMPLATED IN THE PREVIOUS POINTS, IT IS OBLIGED TO AUTHORIZE, IN THE MARK OF THE LEGAL PROVISIONS IN FORCE, THE EXPORTATION PERMITS FOR PARTS AND FUEL ELEMENTS DESTINED TO BE UTILIZED EXCLUSIVELY IN THE ATUCHA NUCLEAR POWER STATION, JUST AS FOR THE MATERIALS AND EQUIPMENT NECESSARY TO ASSURE IN THE FUTURE THE CONTINUITY OF SUPPLY OF FUEL ELEMENTS OF ARGENTINE ORIGIN REQUIRED FOR THE SAID NUCLEAR POWER STATION. WITH THE INTENT LIMITED OFFICIAL USE

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OF A MODIFICATION OF THE LEGAL PREREQUISITES, THESE AUTHORIZATIONS WILL NOT BE SUBMITTED TO NEW CONDITIONS NOR REQUIREMENTS NOT FORESEEN IN THE PRESENT EXCHANGE OF NOTES.

"AFTER HAVING RECEIVED A NOTE FROM YOUR EXCELLENCY IN WHICH IS COMMUNICATED THE CONFORMITY OF THE GOVERNMENT OF THE ARGENTINE REPUBLIC WITH THE PRECEDING PROVISIONS, THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY WILL UNDERSTAND THAT THIS OTE AND YOUR NOTE OF REPLY WILL CONSTITUTE AN ARRANGEMENT (ARREGLO) BETWEEN OUR TWO GOVERNMENTS CONCERNING THIS MATTER, WHICH WILL APPLY AS WELL TO BERLIN SO LONG AS THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY HAS NOT MADE A CONTRARY DECLARATION TO THE GOVERNMENT OF THE ARGENTINE REPUBLIC WITHIN THE THREE MONTHS FOLLOWING THE DATE OF YOUR NOTE OF REPLY.

"MY GOVERNMENT WILL COMMUNICATE THIS EXCHANGE OF NOTES TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.

JOHANNES VON VACANO, MINISTER".

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Message Attributes

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